

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

PNC BANK, NATIONAL)
ASSOCIATION, *Successor in Interest via*)
Merger to National City Bank of the)
Midwest,)
)
Plaintiff,)
)
v.)
)
MICHAEL A. NORDWALL and)
MICHAEL A. NORDWALL, LTD.,)
)
Defendants, and)
)
CHARLES E. COVEY, *Trustee,*)
)
Intervenor.)

Case No. 11-cv-1451

ORDER & OPINION

This matter is before the Court on Intervenor’s Motion to Dismiss Defendant Michael Nordwall (Doc. 32), Intervenor’s Motion for Leave to File Counterclaim (Doc. 33), as well as multiple motions filed by Plaintiff: Motion for Default Judgment (Doc. 11), Motion for Judgment of Foreclosure and Sale (Doc. 12), Motion to Appoint Special Commissioner (Doc. 13), Motion for Attorney Fees (Doc. 14), and Motion for Entry of Orders of Default and Judgment of Foreclosure and Sale (Doc. 20). Magistrate Judge Cudmore’s Report & Recommendation (“R&R”) (Doc. 38) is also before the Court.

The parties were notified that failure to object to Judge Cudmore’s December 13, 2012, R&R within fourteen days after service of the R&R would constitute a waiver of any objections. (Doc. 38 at 10). *See* 28 U.S.C. § 636(b)(1); *Video Views, Inc.*

v. Studio 21, Ltd., 797 F.2d 538, 539 (7th Cir. 1986). Objections to the R&R were due by December 27, 2012, and none were made. This Court has reviewed the R&R, and will adopt it in its entirety.

IT IS THEREFORE ORDERED that the Court ADOPTS the Report and Recommendation of the Magistrate Judge (Doc. 38) in full. Thus, the Court GRANTS Intervenor's Motion for Leave to File Counterclaim (Doc. 33), DENIES Intervenor's Motion to Dismiss Defendant Michael Nordwell (Doc. 32), GRANTS IN PART and DENIES IN PART Plaintiff's Motion for Default Judgment (Doc. 11), and DENIES Plaintiff's Motion for Judgment of Foreclosure and Sale (Doc. 12), Motion to Appoint Special Commissioner (Doc. 13), Motion for Attorney Fees (Doc. 14), and Motion for Entry of Orders of Default and Judgment of Foreclosure and Sale (Doc. 20) as premature. The parties are INVITED to file a motion for summary judgment within twenty-one days, if considered appropriate, to resolve the issues raised in the affirmative defense and counterclaim filed by the Intervenor pursuant to the Local Rules of this Court.

Entered this 11th day of January, 2013.

s/ Joe B. McDade

JOE BILLY McDADE
United States Senior District Judge